



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,898	12/28/2001	Joachim Schmitt	1140668-0005	8066

7470 7590 10/11/2005

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

DOAN, DUYEN MY

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,898

Applicant(s)

SCHMITT, JOACHIM

Examiner

Duyen M Doan

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/1/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2143

Detail Action

Claims 1-12 are cancelled.

Claims 13-32 are newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-14, 17-24, 26-29, 31-32 are rejected under 35 U.S.C. 102(e) as being anticipate by Crater et al us pat 5,805,442, (hereinafter Crater).

As regarding claim 13, Crater disclosed a data processing apparatus running a browser (col.4, lines 58-60); and an automation device in communication with the data processing apparatus over the data network (col.4, lines 5-29), the automation device comprising: a memory arranged in the automation device and storing communications data (memory is an inherent feature of the server computer mentioned in col.4, lines 5-29, also see col.3, lines 5-14), the communications data comprising: operating dialogs for the operation of the automation device and for communication with the browser in the data processing apparatus (col.4, lines 20-29), and device information for service and support of the automation device over the data network (col.4, lines 20-29);

Art Unit: 2143

whereby the stored communications data and device information are transmitted from the automation device to the data processing apparatus over the data network by way of a standard protocol (col.4, lines 22-29).

As regarding claims 14, Crater disclosed the operating dialogs comprise Java objects (col.5, lines 20-44, col.6, lines 4-8).

As regarding claim 17, Crater disclosed the data network comprises an Internet (col.4, lines 30-49).

As regarding claim 18, Crater disclosed the browser comprises an Internet browser (col.4, lines 58-60).

As regarding claim 19, Crater disclosed communications data stored in the memory are transferred from the automation device to the data processing apparatus for operating the automation device (col.4, lines 60-67 to col.5, lines 1-12).

As regarding claim 20, Crater disclosed the communications data transferred from the automation device to the data processing apparatus are executed in the browser and are displayed by the data processing apparatus (col.5, lines 1-12).

As regarding claim 21, Crater disclosed at least a second data processing apparatus having a browser and in communication with the automation device over the data network (col.4, lines 5-17, multiple clients communicate with server via communication network), and wherein the stored communications data and device information are transmitted from the automation device to the second data processor over the data network by way of a standard protocol (col.4, lines 5-29).

As regarding claim 22, Crater disclosed the second data processing apparatus is in communication with the automation device via the Internet (col.4, lines 30-49).

As regarding claims 23, the limitations are similar to claim 13, therefore rejected for the same rationale as claim 13.

As regarding claim 24, the limitations are similar to claim 14, therefore rejected for the same rationale as claim 14.

As regarding claim 26, the limitations are similar to claim 18, therefore rejected for the same rationale as claim 18.

As regarding claim 27, the limitations are similar to claim 20, therefore rejected for the same rationale as claim 20.

As regarding claim 28, the limitations are similar to claim 13, therefore rejected for the same rationale as claim 13.

As regarding claim 29, the limitations are similar to claim 14, therefore rejected for the same rationale as claim 14.

As regarding claim 30, the limitations are similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 31, the limitations are similar to claim 17, therefore rejected for the same rationale as claim 17.

As regarding claims 32, Crater disclosed the at least one data processing apparatus comprises a plurality of apparatuses and the stored communications data and device information are transmitted from the automation device to the plurality of

Art Unit: 2143

data processing apparatuses over the data network (col.4, lines 5-17, multiple clients communicate with server via communication network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15,16,25,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crater et al (us pat 5,805,442) as applied to claim 13 above further in view of Lee et al (us pat 6,658,167).

As regarding claim 15, Crater discloses all the limitations of claim 13 mentioned above, but fail to disclose the communication data stored in memory comprise data in compressed form. However Lee et al teach the communication data stored in memory comprise data in compressed form (col.1, lines 56-60) for the purpose of save storage cost as well as transmission time and costs (see Lee et al, col.1, lines 61-63).

As regarding claim 16, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 25, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

As regarding claim 30, the limitation is similar to claim 15, therefore rejected for the same rationale as claim 15.

Response to Arguments

Applicant's arguments filed 6/23/05 have been fully considered but they are not persuasive.

As regarding Applicant's first argument on claim 13, "Crater references does not disclose that the automation device memory contains communication data comprising operating dialog for the operation of the automation device and for communication with the browser in the data processing apparatus, and device information for service and support of the automation device over the data network, store communication data and device information are transmitted from the automation device to the data processing apparatus over the data network".

Examiner disagrees, Crater disclosed "a server (automation device) this server is a powerful computer or cluster of computers that behaves as a single computer that services the requests of a large number of client computers" (see col.4, lines 5-17). In order for the automation device (server) and the data processing unit (client) to communicate with one another, both the automation device (server) and the data processing unit (client) has the operating dialog (communicating information, or IP). The server has to have the device information (routing information or source address or destination address). When communicating with the processing unit (client) the

Art Unit: 2143

automation device (server) transmit the data packets that include the source and the destination address and the communication data to the processing unit (client). When the data processing unit (client) interacts with the automation device (server) the data processing unit (client) will use the address and information about the automation device (server) to operate the server.

As regarding Applicant's second argument on claim 19, "There is no disclosure that device information for service and support of the operation of the device are transferred to the data processing apparatus for operating the automation device. See the response to claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2143

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 10/019,898

Page 10

Art Unit: 2143